

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STACY CHARLES COMER,

Defendant.

Case No. CR05-5747 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant Comer's Motion for an Order Requiring the Government to Produce Complaining Witness [Dkt. #59].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Defendant Stacy Charles Comer is charged by way of a Superseding Indictment along with two co-defendants with Retaliating Against a Witness in Violation of 18 U.S.C. §§ 1513(b)(2) and 2. Comer has moved for an order requiring the government to produce the complaining witness, Curtis Wild, for an interview by his counsel. According to the motion and the government's response, Mr. Wild was initially agreeable to being interviewed, however, he has since changed his position based upon his contact with a co-defendant's investigator and now declines to be interviewed by the defense. Witnesses have the right to refuse to be interviewed, *United States v. Black*, 767 F.2d 1334, 1337-38 (9<sup>th</sup> Cir.), *cert. denied*, 434 U.S. 954 (1977), and so long as the government has not interfered with the defendant's access to the witness, this Court may not order the witness to consent to a defense interview. *Id.* It is therefore

**ORDERED** that Defendant Comer's Motion for an Order Requiring the Government to Produce Complaining Witness [Dkt. #59] is **DENIED**.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 21<sup>st</sup> day of February, 2006.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE